

1 **FORENSIC SCIENCE BOARD BYLAWS**

2  
3 **ARTICLE I. NAME**

4  
5 The name of this board shall be the Forensic Science Board (hereinafter referred to as “the  
6 Board”).

7  
8 **ARTICLE II. FUNCTIONS**

9  
10 **Section 1. Powers and Duties**

11  
12 The Board is established by Virginia Code §§ 9.1-1109 as a policy board for the  
13 Department of Forensic Science (hereinafter referred to as “the Department”). The Board carries  
14 out its responsibilities by:

15  
16 1. Adopting regulations for the administration of the Department or for any provisions  
17 of the *Code of Virginia* as they relate to the responsibilities of the Department;

18  
19 2. Developing and establishing program and fiscal standards and goals governing the  
20 operations of the Department;

21  
22 3. Ensuring the development of long-range programs and plans for the incorporation of  
23 new technologies as they become available;

24  
25 4. Reviewing and commenting on all budgets and requests for appropriations for the  
26 Department prior to their submission to the Governor and on all applications for federal  
27 funds;

28  
29 5. Monitoring the activities of the Department and its effectiveness in implementing  
30 the standards and goals of the Board;

31  
32 6. Advising the Governor, the Director of the Department, and the General Assembly  
33 on matters relating to the Department and forensic science in general;

34  
35 7. Reviewing, amending, and approving recommendations of the Scientific Advisory  
36 Committee;

37  
38 8. Monitoring the receipt, administration, and expenditure of all funds and other  
39 assistance available to the Department;

40  
41 9. Approving Department applications for grants from the United States government or  
42 any other source and approve of acceptance of any and all donations both real and personal,  
43 and grants of money from any governmental unit or public agency, or from any institution,  
44 person, firm or corporation, and may receive, utilize and dispose of the same. With regard  
45 to any grants of money from a governmental or public agency, the Board may delegate or  
46 assign the duties under this subdivision to the Chair of the Board who may, with the  
47 concurrence of the Vice-Chair and in consultation with the Director, make such

48 determinations. Any grants or donations received pursuant to this section shall be detailed  
49 in the annual report of the Board. The report shall include the identity of the donor, the  
50 nature of the transaction, and the conditions, if any. Any moneys received pursuant to this  
51 section shall be deposited in the state treasury to the account of the Department;  
52

53 10. Monitoring all contracts and agreements necessary or incidental to the performance  
54 of the duties of the Department and execution of its powers, including but not limited to,  
55 contracts with the United States, units of general local government or combinations thereof,  
56 in Virginia or other states, and with agencies and departments of the Commonwealth; and  
57

58 11. Recommending actions to foster and promote coordination and cooperation  
59 between the Department and the user programs that are served.  
60

61 **Section 2. Recommendations**  
62

63 By November 1 of each year, the Board shall review and make recommendations to the  
64 Chairs of the House Committee on Appropriations, the Senate Committee on Finance, and the  
65 Crime Commission concerning:  
66

67 1. New major programs and plans for the activities of the Department and elimination  
68 of programs no longer needed;  
69

70 2. Policy and priorities in response to agency needs;  
71

72 3. General fiscal year operational budget and any major changes in appropriated funds;  
73

74 4. Actions to foster and promote coordination and cooperation between the Department  
75 and the user programs which are served;  
76

77 5. Rules and regulations pertaining to the Department; and  
78

79 6. Any recommendations submitted to the Board or the Director by the Scientific  
80 Advisory Committee.  
81

82 **ARTICLE III. MEMBERSHIP**  
83

84 **Section 1. Composition of Members**  
85

86 Board membership is established by Virginia Code § 9.1-1109. The Board shall consist of  
87 fifteen members as follows:  
88

89 1. The Superintendent of the Virginia State Police or their designee;  
90

91 2. The Director of the Department of Criminal Justice Services or their designee;  
92

93 3. The Chief Medical Examiner or their designee;  
94

- 95 4. The Executive Director of the Virginia Board of Pharmacy or their designee;  
96  
97 5. The Attorney General, or their designee;  
98  
99 6. The Executive Secretary of the Supreme Court of Virginia or their designee;  
100  
101 7. The Chair of the Virginia State Crime Commission or their designee;  
102  
103 8. The Director of the Virginia Division of Consolidated Laboratory Services or their  
104 designee;  
105  
106 9. The Chair of the Senate Committee for Courts of Justice or their designee;  
107  
108 10. The Chair of the House Committee for Courts of Justice or their designee;  
109  
110 11. Two members of the Scientific Advisory Committee, chosen by the Chair of that  
111 committee; and  
112  
113 12. Three members, appointed by the Governor, from among the citizens of the  
114 Commonwealth as follows:  
115  
116 a. A member of law enforcement;  
117  
118 b. A member of the Virginia Association of Commonwealth's Attorneys; and  
119  
120 c. A member who is a criminal defense attorney having specialized knowledge in the  
121 area of forensic sciences.  
122

## 123 **Section 2. Designees**

124  
125 Any Board member who may designate a person to represent them on the Board pursuant  
126 to Section 9.1-1109 must provide such designation in writing to the Chair of the Board. Such  
127 designation shall continue in effect until rescinded in writing. Designees attending meetings of  
128 the Board shall have the same privileges as Board members.  
129

## 130 **Section 3. Terms**

131  
132 Any legislative members shall serve for terms coincident with their terms of office.  
133 Members appointed by the Governor shall serve for terms of four years, provided that no member  
134 shall serve beyond the time when they hold the office or employment by reason of which they  
135 were initially eligible for appointment.  
136

## 137 **Section 4. Vacancies**

138  
139 Any vacancy on the Board shall be filled in the same manner as the original appointment,  
140 but for the unexpired term.  
141

142  
143  
144  
145  
146  
147  
148  
149  
150  
151  
152  
153  
154  
155  
156  
157  
158  
159  
160  
161  
162  
163  
164  
165  
166  
167  
168  
169  
170  
171  
172  
173  
174  
175  
176  
177  
178  
179  
180  
181  
182  
183  
184  
185  
186  
187

**Section 5. Conflicts**

Members of the Board and their designees shall refrain from voting on any grant or contract which would have a direct financial impact on the agency or organization which they serve, or the office they hold by virtue of employment, appointment, or election, or which would have a direct financial impact upon the political subdivision in which they serve by virtue of employment, appointment, or election.

**Section 6. Absences**

The Secretary of the Board shall inform the Chair of any instance where a member is absent from three consecutive regularly scheduled meetings of the Board. The Chair shall then call the absences to the attention of the member in writing and take whatever action they deem appropriate in the circumstances.

**Section 7. Authority of Individual Members**

No member of the Board shall at any time act or purport to act on behalf of or in the name of the Board or the Department without prior authority from the Board or the Department.

**ARTICLE IV. OFFICERS**

**Section 1. Chair and Vice-Chair**

The Board shall elect a Chair and Vice-Chair. The Chair shall preside at meetings of the Board and shall perform such additional duties as may be imposed by action of the Board. In the absence of the Chair, the Vice-Chair shall preside at meetings and perform such additional duties as are required by the Board and necessitated by the absence of the Chair. In the event of the absence of both of these officers, the Chair shall appoint a Chair Pro Tempore and, if the Chair does not, the quorum of members present at any meeting shall elect a Chair Pro Tempore to preside for that meeting.

**Section 2. Secretary**

Upon the recommendation of the Director of the Department of Forensic Science, the Board shall appoint a Secretary. The Secretary shall be responsible for the recording and maintenance of minutes of the meetings of the Board. The Secretary shall maintain such records or perform such additional duties as shall be assigned by the Board or its Chair.

**Section 3. Terms of Office**

The Board shall elect its Chair and Vice-Chair each year with the term of office beginning July 1. The Chair and Vice-Chair may be eligible for renomination and re-election to two successive terms. A member who previously served as Chair or Vice-Chair for two successive terms may be re-elected to such position after an intervening term.

188  
189  
190  
191  
  
192  
193  
194  
195  
196  
197  
198  
199  
200  
201  
202  
203  
204  
205  
206  
207  
208  
209  
210  
211  
212  
213  
214  
215  
216  
217  
218  
219  
220  
221  
222  
223  
224  
225  
226  
227  
228  
229  
230  
231  
232

**ARTICLE V. MEETINGS**

**Section 1. Regular Meetings**

The Board shall hold no less than four (4) regular meetings a year. The Chair of the Board shall fix the times and places of the meetings, either on their own motion or upon written request of any five members of the Board.

**Section 2. Special Meetings**

Special meetings (meetings other than those regularly scheduled) may be called by the Chair or may be called at the request of any three members.

**Section 3. Scheduling**

Whenever possible and practical, Board meetings and Scientific Advisory Committee meetings shall be scheduled for the same day, or on adjacent days, to save travel and lodging costs.

**ARTICLE VI. CONDUCT OF BUSINESS**

**Section 1. Procedure**

Proceedings of Board meetings shall be as prescribed in Robert’s Rules of Order.

**Section 2. Quorum**

A majority of the Board shall constitute a quorum to do business. Decisions may be made by the majority of those present and voting. The Chair shall determine and declare that a quorum is present prior to the conduct of business at any meeting.

**Section 3. Agenda Priority**

At its regular or special meetings, the Board shall first consider and act on any matters directly related to its mandated, statutory responsibilities which may be before it. Other issues, speakers, items of interest, whether brought forward by Board members or staff, shall be considered only after the matters pertaining to the Board’s statutory mandates have been considered.

**Section 4. Public Meetings**

All regular and special meetings of the Board shall be open to the public provided the Board may close any meeting by going into executive session in accordance with these bylaws.

**Section 5. Executive Session**

233 Prior to meeting in an executive session, the Board must adopt a motion to go into executive  
234 session. The motion must include specific reference to the substance of the matters to be discussed.  
235 The minutes shall reflect the specific *Code of Virginia* citation for allowable exemption from an  
236 open meeting. Matters which may be discussed in an executive session are specified in the  
237 Virginia Freedom of Information Act and include:  
238

239 1. Discussion or consideration by the Forensic Science Board of criminal investigative files,  
240 defined as any documents and information, including complaints, court orders, memoranda,  
241 notes, diagrams, maps, photographs, correspondence, reports, witness statements, and  
242 evidence relating to a criminal investigation or prosecution;  
243

244 2. Discussion, consideration or interviews of prospective candidates for employment;  
245 assignment, appointment, promotion, performance, demotion, salaries, disciplining or  
246 resignation of appointees or employees of the Department of Forensic Science;  
247

248 3. Discussion or consideration of the acquisition of real property for a public purpose, or of  
249 the disposition of publicly held real property, where discussion in an open meeting would  
250 adversely affect the bargaining position or negotiating strategy of the Department of Forensic  
251 Science;  
252

253 4. The protection of the privacy of individuals in personal matters not related to public  
254 business;  
255

256 5. Discussion or consideration of the investment of public funds where competition or  
257 bargaining is involved, where, if made public initially, the financial interest of the Department  
258 of Forensic Science would be adversely affected;  
259

260 6. Consultation with legal counsel and briefings by staff members or consultants pertaining  
261 to actual or probable litigation, where such consultation or briefing in open meeting would  
262 adversely affect the negotiating or litigating posture of the Department of Forensic Science;  
263 and consultation with legal counsel employed or retained by the Department of Forensic  
264 Science regarding specific legal matters requiring the provision of legal advice by such  
265 counsel;  
266

267 7. Discussion or consideration of tests or examinations used, administered or prepared by  
268 the Department of Forensic Science for purposes of evaluating an employee or prospective  
269 employee's qualifications or aptitude for employment, retention or promotion;  
270

271 8. Discussion of plans to protect public safety as it relates to terrorist activity and briefings  
272 by staff members, legal counsel, or law enforcement or emergency service officials concerning  
273 actions taken to respond to such activity or a related threat to public safety; or discussion of  
274 reports or plans related to the security of any governmental facility, building or structure, or  
275 the safety of persons using such facility, building or structure; and  
276

277 9. Discussion of the award of a public contract involving the expenditure of public funds,  
278 including interviews of bidders or offerors, and discussion of the terms or scope of such

279 contract, where discussion in an open session would adversely affect the bargaining position  
280 or negotiating strategy of the Department of Forensic Science.

281  
282 At the conclusion of the executive session, the Board shall reconvene in open session and  
283 certify by recorded vote that only matters lawfully exempted from open session, as indicated in  
284 the motion for executive session, were discussed. Action taken in executive session must be  
285 confirmed in public session.

286  
287 **Section 6. Reimbursement of Expenses**

288  
289 Board members shall be paid reasonable and necessary expenses incurred in the  
290 performance of their duties. Legislative members shall receive compensation as provided in  
291 Section 30-19.12 of the *Code of Virginia* and nonlegislative citizen members shall receive  
292 compensation for their services as provided in Sections 2.2-2813 and 2.2-2825.

293  
294 **ARTICLE VII. AMENDMENT OF BYLAWS**

295  
296 These bylaws may be amended at any meeting of the Board by a two-thirds vote of the  
297 members present, provided that the proposed amendment has been submitted in writing at the  
298 previous meeting.